

**FREQUENTLY ASKED QUESTIONS REGARDING
THE OPPORTUNITIES TO MITIGATE REALIGNMENT LAYOFF
FOR EMPLOYEES IN BARGAINING UNIT 19**

Q: Will my only options to mitigate Realignment layoff be the typical options available?

A: No. You have increased opportunity to mitigate layoff through voluntary transfer.

Q: What is a “wave”?

A: During the course of Realignment, California Department of Corrections and Rehabilitation (CDCR or the Department) will be providing employees with multiple employment opportunities to transfer in an effort to mitigate the impact associated with Realignment. The Department will be offering these various transfer opportunities, along with State Restriction of Appointment (SROA)/layoff, in “waves.” Each Realignment wave will be based on a determination of overages and vacancies in staffing. As noted below, many employees will be given SROA notices, although actual layoffs may be mitigated through the Voluntary Transfer Process at the beginning of each Realignment wave.

Q: What is the timing of the Voluntary Transfer Process and the SROA/Layoff process in subsequent waves?

A: After the first wave, the Voluntary Transfer and SROA/Layoff processes may occur at the same time.

Q: How will positions at institutions/work locations with vacancies be awarded?

A: All movement during transfers will take place in accordance with statewide seniority.

Q: Where can I check my seniority score?

A: To ensure that impacted employees have ready access, information regarding seniority scores is available on the intranet and in designated areas at each worksite.

Q: Will I ever have a chance to challenge my seniority score again during Realignment?

A: Yes. Because all bargaining unit members have already been provided their seniority scores, as well as had the opportunity to challenge those scores, there shall be no further thirty (30) day seniority score challenges during the first wave of Realignment layoffs. However, commencing with the second wave, after SROA notices are received, employees shall have fourteen (14) calendar days in which to provide additional information related to their seniority scores (i.e. challenge their score).

Q: Will I have access to information regarding each location that has vacancies or overages?

A: Yes. The Department has posted information regarding each location that has either vacancies or county overages. This information will also be available on the internet, intranet and in designated work areas at each worksite.

Q: What is the area of layoff?

A: The Department is providing transfer opportunities to mitigate layoffs outside of the normal SROA/Layoff process. If, however, layoffs are still required at the conclusion of a wave, the area of layoff shall be by county.

Q: Who is eligible to participate in the Voluntary Transfer Process?

A: Voluntary transfers may be requested by any employee working in a county with any overage in that employee's designated classification. All vacancies in the State in that classification shall be made available for such transfer request.

Q: Do I have to participate in the Voluntary Transfer Process?

A: No, but each employee must opt in or opt out of participation on the transfer options worksheet.

Q: If I volunteer to transfer will I be protected from any further layoff process?

A: The Voluntary Transfer Process is designed to provide employees with the opportunity to protect themselves against layoff. Employees are empowered with information regarding their seniority scores, the amount of overages and the number of vacancies, so that each person can analyze where and whether s/he should move (taking into account his/her seniority and whether a county is more or less likely to be impacted ultimately).

If an employee moves to a location with a number of vacancies in a county where there are no overages, it is unlikely that s/he will be impacted by a layoff (as that county will not likely be in a layoff mode).

However, **there are no guarantees in this process**. Depending upon demotional bumping and one's statewide seniority within an impacted county, an employee with low seniority within that county theoretically still could be laid off at the conclusion of the SROA/layoff process and/or permanently involuntarily transferred.

Q: Can I still transfer pursuant to the contract?

A: Generally, no. Transfers pursuant to the contract shall be suspended during this Realignment process that provides opportunity for lateral transfer. This suspension, however, does not include hardship transfers.

However, if the Department has vacancies following the Voluntary Transfer Process, SROA and options placement process; these vacancies will be made available to existing employees even if an overage of staff does not exist in that county. Employees transferred under this lateral transfer process shall not receive Per Diem or ATO as described below.

Q: After CDCR calculates the transfer awards based on statewide seniority and communicates a start date, is there any way I can change it?

A: Yes, an employee may be granted a change in the report date by agreement of the releasing worksite and the receiving worksite.

Q: Will I receive Per Diem pay if I transfer?

A: Yes, for transfers over 50 miles, as noted in the chart below.

Per Diem for Transfer Over 50 Miles Only	Amount	Basic Duration (in calendar days)
Voluntary	\$125	30 days
Involuntary	\$90	22 days

Q: Will an employee who is staying with family, friends, or sharing a hotel/motel room still receive the Per Diem pay?

A: Yes. Regardless of your housing during that time, you will be eligible to receive the pay based on the above chart as long as the transfer is over 50 miles.

Q: Will the State pay any relocation?

A: No. There shall be no relocation remuneration for any of the transfers or movement associated with Realignment.

Q: Will the State also pay any Per Diem pursuant to the MOU?

A: No. Under the Voluntary Transfer Process, only the flat rate Per Diem above will be paid. (But See FAQ regarding Temporary Redirection Per Diem.)

Q: How much time will I be allowed to move following a voluntary transfer?

A: Administrative Time Off (ATO) will be granted as follows:

ATO for those who move within 6 months of his/her report date	100-200 miles	200+ miles
Voluntary	16 hours	24 hours
Involuntary	16 hours	24 hours

Q: If I participate in the Voluntary Transfer Process can I request a salary advance?

A: Yes. If an employee changes his/her residence and transfers to another institution/work location he/she may request a salary advance pursuant to the State's policy and procedures. Employees who receive a salary advance must repay the advance in full no later than the following pay period in which it was received. Such requests must be made at least two (2) weeks prior to transfer, and honored no later than seven (7) days after the request is made.

Q: Can I receive State release time for other State employment?

A: Yes, after the voluntary bid and transfer process, all impacted employees who did not transfer and who received an SROA notice shall receive reasonable State release time to attend state-sponsored job interviews, job fairs, conduct research, and apply for open positions in other State agencies. Such requests shall not be unreasonably denied and any denials must be based on identified operational needs. Where there is State equipment available, the employee shall be allowed to use State equipment to conduct research.

Q: Can I receive release time for outside employment?

A: Yes, after the voluntary bid and transfer process, impacted employees who did not transfer and who received an SROA notice may request and use his/her own leave credits to attend training in the community, including training sponsored by the One-Stop program. Requests to attend such trainings shall not be unreasonably denied; any denials must be in writing and based on identified operational needs.

Q: Will the new institution/work location that I transfer to honor leave that was pre-approved at my old institution/work location?

A: Yes, both paid and unpaid.

Q: When will pay adjustments occur?

A: Any pay adjustment required by a transfer or placement in lieu of layoff shall not be made until the employee's scheduled report date.

Q: If I transfer to another institution/work location or if my job duties change will I be provided orientation and/or training?

A: Yes, any impacted employee that transfers to another institution/work location or has changes to his/her job duties in assignments will be provided orientation and any required on-the-job training in his/her new position, including, but not limited to, New Employee Orientation and in-service training.

Q: What effect will Realignment have on leave banks?

A: During Realignment, employees shall be given maximum discretion to utilize their outstanding Furlough, Personal Leave Program 2010 and Professional Development time. These requests shall be granted or denied in a timely manner.

- Q: If I am covered by Recruitment and Retention (R&R) at Avenal, Ironwood, Calipatria, Chuckwalla or Centinela State Prison, what happens if I transfer via the layoff process?**
- A:** If the employee transfers to a new classification or position in an institution covered by the above R&R differential, the employee shall continue to qualify for the R&R without interruption and without a change in the eligibility date. If the employee transfers to a new classification or position in an institution not covered by the R&R differential, he/she shall be eligible for a prorated share for those months served.
- Q: If I do not change my classification, will I receive a new merit salary anniversary date?**
- A:** No. Employees who do not change their classification shall not receive a new merit salary anniversary date.
- Q: When I transfer, will I be provided with a duty statement for my new position?**
- A:** Yes, upon request. Employees shall be provided their duty statements upon transfer or placement into a new position upon request and within ten (10) days.
- Q: If I am impacted by voluntary transfer, involuntary transfer, redirection or demotion due to Realignment will I have to serve a new probationary period?**
- A:** No. However, if an employee has not previously served probation in the classification, s/he may be required to serve a probationary period.
- Q: Under what conditions will I receive reemployment rights?**
- A:** All employees impacted by layoff or demotion in lieu of layoff shall be given general reemployment status in the classifications in their primary demotional patterns.
- After Realignment is completed, an employee who transfers from a county has a right of first refusal to return to that county. The employee must designate, on the job application, eligibility under this provision. Ties will be broken by seniority.
- Q: If I receive an SROA notice, will I be laid off?**
- A:** Not necessarily. All staff in CDCR with less than ten (10) years of seniority will automatically receive an SROA notice in the First Wave. This does not mean, however, that all such staff are going to be impacted. The reason that SROA has been defined as those with less than ten (10) years of seniority is to ensure that enough people get SROA notices to account for the demotional bumping that could occur in impacted counties.
- Q: How will people be laid off?**
- A:** Layoffs shall occur by inverse seniority within the impacted county/counties. The least senior employees who are subject to layoff shall receive thirty (30) day written notice of the effective date of their layoff.
- Q: May I pursue out of county opportunities?**
- A:** Yes, employees are free to pursue such opportunities on their own through the SROA process; they will not, however, be facilitated by CDCR. The only out of county placement that is facilitated by CDCR is through the Voluntary Transfer Process described above.
- Q: Will there be comparable classifications or out of county placement offered in the layoff options process?**
- A:** No.
- Q: At the end of a wave, after the layoff process is complete, could I still be transferred?**
- A:** Yes. Once the layoff process is completed and where overages still remain, employees may be involuntarily transferred within the county. Involuntary transfers shall occur by inverse seniority. An employee may be granted a change in his/her report date by agreement of the releasing worksite and the receiving worksite. There shall be no relocation, mileage, or other travel reimbursement paid in association with such involuntary transfers, except as provided in the Per Diem chart provided above.

Q: What happens if I do not comply with such an involuntary transfer (after the layoff process is complete)?

A: You will be Absence Without Leave (AWOL) separated from the Department.

Q: Can I be redirected during Realignment?

A: Yes. While the Department is undergoing "Realignment", all redirections shall be made by requesting volunteers first and awarding the position to the highest senior employee interested. If there are no volunteers, then the Department shall use inverse seniority to mandate the redirections. All redirected employees shall be reimbursed for Per Diem and mileage in accordance with the contract.

Q: Where can I find additional information regarding Realignment?

A: Employees will have access to a State created Video explaining the bid and transfer process and can utilize the 800 hotline for assistance ((877) 297-5599 from 7:00 am to 5:00 pm Monday through Friday) using State equipment during his/her regularly scheduled shift at the worksite. A Union Representative may be on the line, at the employee's option, so long as his/her presence is announced.

Impacted institutions/work locations shall provide a dedicated meeting space and equipment for a minimum of two (2) days during each wave for employees potentially impacted by Realignment to use. While on duty, employees, with a supervisor's approval of reasonable release time, shall be able to utilize the equipment to place calls to the 800 hotline and to watch the State created videos.